

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION

ROBERT E. BROWN

VS.

CIVIL ACTION NO. 4:07CV164-MPM-DAS

BOLIVAR COUNTY, MISSISSIPPI, ET AL.

ORDER

This matter is before the court on motion of the defendants for disclosure (# 35) and for a motion to compel initial disclosure and responses to written discovery (# 36). After considering the motions, the Court finds as follows:

On July 10, 2008, this court entered a case management order and ordered both parties to produce initial disclosures within ten days of entry of that order. The defendants filed the present motion for disclosure on October 21, 2008, stating that the plaintiff has yet to comply with that order.

Next, on October 28, 2008, the defendants filed a motion to compel the initial disclosures along with responses to written discovery. The defendants propounded this written discovery on September 4, 2008, and the plaintiff has thus far failed to respond to any of these requests. In addition, plaintiff's counsel did not respond to the defendants' final request in which they included a good faith certificate, which plaintiff's counsel was to sign pursuant to Rule 37.1(A) of the Uniform Local Rules.

The plaintiff has also failed to respond to either of these motions, and after examining the docket, the Court is reminded that plaintiff's counsel failed to respond earlier to a motion to dismiss a defendant. The plaintiff responded in that instance only after this court entered a show

cause order.

Accordingly, because the plaintiff has clearly failed to abide by the court's case management order, and because the plaintiff has clearly failed to respond either to the written discovery propounded by the defendants or the present motions, the court finds the motions to be well taken.

IT IS, THEREFORE, ORDERED, that the defendants' motion to for disclosure (# 35) is hereby GRANTED. The plaintiff is hereby ordered to produce the initial disclosures by November 24, 2008.

IT IS FURTHER ORDERED that the defendants' motion to compel discovery (# 36) is hereby GRANTED. The plaintiff is hereby ordered to provide sufficient responses to the discovery requests detailed in the defendants' motion by November 24, 2008.

IT IS FURTHER ORDERED that pursuant to Rule 37(b)(2)(C), the plaintiff will pay to the defendants the reasonable expenses, including attorney's fees caused by his failure to comply with an order of the court and his failure to respond to the discovery propounded. The defendants will provide to the court a detailed explanation of the costs, expenses, and fees incurred as a result of filing the present motions.

SO ORDERED, this the 18th day of November 2008.

/s/David A. Sanders
U.S. MAGISTRATE JUDGE